

**REMARKS**

The Office Action mailed October 22, 2007 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

**Claim Status and Amendment to the Claims**

Claims 1 and 58-129 are currently pending.

The Applicant gratefully acknowledges the indication of allowance of claims 66-67, 108-120 and 122-124.

Claims 1, 64-66, 73, 78, 81, 86, 88, 93-97, 99, 106-108, 118, and 121-126 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, figures, and claims as originally filed. The text of claims 58-63, 67-72, 74-77, 79-80, 82-85, 87, 89-92, 98, 100-105, 109-117, and 119-120 is unchanged, but their meaning is changed because they depend from amended claims.

Claims 2-57 were previously cancelled, without prejudice or disclaimer of the subject matter contained therein.

New claims 127-129 also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the specification, claims, and figures as originally filed.

**The 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 65 and 107 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter

applicant regards as the invention.<sup>1</sup> With this Amendment, Claims 65 and 107 have been amended accordingly. Withdrawal of the 35 U.S.C. § 112, Second Paragraph rejection is respectfully requested.

The 35 U.S.C. § 102 Rejection

Claims 1, 58-65, 78-107, 121, and 125-126 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Backes et al.<sup>2 3</sup>

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>4</sup>

Independent Claims 1, 81, 99, and 121

With this Amendment, independent claims 1, 81, 99, and 121 have been amended to recite in part “presenting to a user a list of the candidate network devices that are qualified to join the cluster.” Allowed claims 66, 108, and 122 recite this limitation, and the Examiner has considered this limitation as one of the reasons of allowability of claims 66, 108, and 122. As the cited art of record does not disclose or suggest the combination of limitations specified in Claims 1, 81, 99, and 121 as presently amended, withdrawal of the 35 U.S.C. § 102 rejection is respectfully requested.

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<sup>1</sup> Office Action mailed October 22, 2007, at ¶ 1.

<sup>2</sup> U.S. Patent No. 5,018,137 to Backes et al.

<sup>3</sup> Office Action at ¶ 3.

<sup>4</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Dependent Claims 58-65, 82-87, and 100-107

Claims 58-65 depend from Claim 1. Claims 82-87 depend from Claim 81. Claims 100-107 depend from Claim 99. Claims 1, 81, and 99 being allowable, Claims 58-65, 82-87, and 100-107 must also be allowable for at least the same reasons as Claims 1, 81, and 99.

Independent Claims 78, 96, and 125

With this Amendment, independent claims 78, 96, and 125 have been amended to recite in part “all communication with network devices in the cluster being through a single network address assigned to the commander network device.” As the cited art of record does not disclose or suggest the combination of limitations specified in Claims 78, 96, and 125 as presently amended, withdrawal of the 35 U.S.C. § 102 rejection of Claims 78, 96, and 125 is respectfully requested.

Dependent Claims 79-80, 97-98, and 126

Claims 79-80 depend from Claim 78. Claims 97-98 depend from Claim 96. Claim 126 depends from Claim 125. Claims 78, 96, and 125 being allowable, Claims 79-80, 97-98, and 126 must also be allowable for at least the same reasons as Claims 78, 96, and 125.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Independent Claim 88

Independent claim 88 is a non-means-plus-function apparatus claim corresponding to allowed method claim 66. Allowed method claim 66 recites in part “presenting to a user a list of

the candidate network devices that are qualified to join the cluster,” and the Examiner has considered this limitation as one of the reasons of allowability of claim 66. Likewise, Claim 88 as presently amended recites in part “logic to present to a user a list of the first candidate network devices qualified to join the cluster.” As the cited art of record does not disclose or suggest the combination of limitations specified in Claim 88 as presently amended, withdrawal of the 35 U.S.C. § 102 rejection is respectfully requested.

#### Dependent Claims 89-95

Claims 89-95 depend from Claim 88. Claim 88 being allowable, Claims 89-95 must also be allowable for at least the same reasons as Claim 88.

#### Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

#### Allowable Subject Matter

The Examiner is thanked for the kind allowance of Claims 66-67, 108-120 and 122-124. The Applicant acknowledges the Examiner’s statement of reasons for allowance as set forth in the Office Action. However, the Applicant points out that the reasons for allowability of the above referenced claims are not limited to the reasons for allowance as set forth in the Office Action, and that additional reasons for allowability may exist, each of which may be independently sufficient to establish the patentability of one or more pending claims.

The Applicant respectfully reserves the right to introduce, articulate, or otherwise comment on any such additional reasons for allowance as may be appropriate in any future proceedings concerning the claimed invention.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.


The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: January 22, 2008

  
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